

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4780 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- BUDDHACOLONY District- Patna

Sunil Kumar Singh @ Sunil Singh S/O Late Ram Chandra Singh R/O
Village-Panapur, P.S-Hazipur, District-Vaishali, A/P Baba Lodge, P.S-Budha
Colony, District-Patna. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-02-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Budha Colony P.S. Case no. 135 of 2020 instituted for the
offence punishable under Section 272 and 273 of the Indian
Penal Code and Section 30 (a) (e) / 37 (b) (c) of the Bihar
Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 368.780 litres
IMFL from the rented house of the petitioner.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that during investigation the name of the petitioner has come as he was also involved in the occurrence, which is mentioned in para 43 of the case diary.

Having heard learned counsel for the parties and taking into consideration that the alleged house belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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